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Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Implementation Committee

Forty-first session
Geneva, 13–16 March 2018

Report of the Implementation Committee on its forty-first session

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I. Introduction

1. The forty first session of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment was held from 13 to 16 March 2018 in Geneva, Switzerland.

A. Attendance

2. The following members of the Implementation Committee for Convention and Protocol matters attended the session: Ms. Aysel Babayeva (Azerbaijan); Mr. Anders Bengtsson (Sweden); Mr. Volodymyr Buchko (Ukraine); Mr. Libor Dvorak (Czechia); Ms. Maria do Carmo Figueira (Portugal); Mr. Kaupo Heinma (Estonia); Ms. Zsuzsanna Pocsai (Hungary); Mr. Romas Švedas (Lithuania); Mr. Lasse Tallskog (Finland); and Ms. Nadezhda Zdanevich (Belarus).

B. Organizational matters

3. The Chair of the Implementation Committee opened the session. The secretariat informed the Committee about the relevant outcomes of the Bureau meeting (Geneva, 7–8 February 2018), including the decision to hold the intermediary session of the Meeting of the Parties to the Convention in Geneva from 5 to 7 February 2019. That session was to be convened above all to finalize the Parties' deliberations on draft decision VII/2 (ECE/MP.EIA/2017/8).[1] The secretariat further underlined that the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment would next meet in Geneva from 28 to 30 May 2018, notably to prepare for the intermediary session, and was expecting to receive for its information the revised draft decision VII/2. Consequently, at its present session, the Committee agreed to prioritize the revision of draft decision VII/2, taking into account the Committee's deliberations at its ad hoc session (Minsk, 12 June 2017) and the discussions held during and in the margins of the seventh session of the Meeting of the Parties to the Convention (Minsk, 13–16 June 2017), as mandated by the Meeting of the Parties (see ECE/MP.EIA/23-ECE/MP.EIA/SEA/7, para. 27).

4. Turning to its agenda, the Committee agreed to consider the requests of Belarus that the Committee publish the report of its ad hoc session[2] on the Convention website (see para. 60) and make "all the correspondence" related to compliance issues concerning Belarus available to the Parties concerned during the Committee's consideration of those issues (see para. 47). The Committee further agreed to consider the progress made by the ad hoc working group established by the Meeting of the Parties to the Convention at its seventh session to prepare terms of reference for possible guidance on the application of the Convention to the lifetime extension of nuclear power plants and to prepare for the discussions on the matter at the next Working Group meeting (see paras. 62–63). Pending the outcomes of those discussions, the Committee agreed to postpone consideration of the

[1] See informal notes on the meeting of the Bureau, para. 42, available from http://www.unece.org/index.php?id=47325.

[2] As the Minsk session was organized in an ad hoc manner and was not officially forecast, the meeting did not receive the regular support usually provided by the United Nations secretariat, including interpretation and documentation processing. There was, therefore, no official report produced for the ad hoc session.

information gathered since 2014 in relation to the lifetime extension of nuclear power plants and power units to its subsequent sessions.[3] With the above adjustments, the Committee adopted its agenda as set out in document ECE/MP.EIA/IC/2018/1.

II. Revision of draft decision VII/2

A. Format and process for revising draft decision VII/2 on the review of compliance with the Convention

5. The Implementation Committee Chair said that the Bureau had supported the splitting of draft decision VII/2 and future decisions on the review of compliance with the Convention into one general and several country-specific decisions, with a view to facilitating their consideration and adoption by the Meeting of the Parties to the Convention.[4] Moreover, taking stock of the Parties' unprecedented inability to finalize their deliberations at the seventh session of the Meeting of the Parties, the Bureau had recommended among other things that, in the future, the Implementation Committee avoid amending the text of the draft decisions on compliance once they had been issued as official documents for consideration by the Meetings of the Parties, with a view to avoiding confusion.

6. The Committee considered the sample templates for the split general and country-specific draft decisions prepared by the secretariat in consultation with the Chair and the two Vice-Chairs further to the Committee's request at its fortieth session (ECE/MP.EIA/IC/2017/6, para. 8). It agreed to split revised draft decision VII/2 for consideration of the Meeting of the Parties at its intermediary session and agreed on the language of the generic preambles of the split draft decisions. The secretariat explained that the symbol for the general part of the revised draft decision would become IS/1 (with "IS" standing for "intermediary session"), and that the individual decisions concerning compliance with the Convention by Armenia, Azerbaijan, Belarus, Serbia, Ukraine and the United Kingdom of Great Britain and Northern Ireland would each be given a letter from "a" to "h". The order of the country-specific decisions would follow the alphabetic order of the English versions of the country names of the countries concerned, and would also contain a reference to the specific issue of compliance targeted, e.g.: draft decision IS/1a on compliance by Armenia with its obligations under the Convention with regard to its national legislation, etc.

7. The Committee acknowledged that it was to submit the draft revised decisions as informal documents for information and possible comments by the Working Group at its meeting in May, prior to finalizing the drafts at its forty-second session (Geneva, 11–13 September 2018) for consideration by the Meeting of the Parties at its intermediary session as official documents.[5] To meet the deadlines for official documentation, the document

[3] I.e., information regarding Belgium, the Doel and Tihange nuclear power plants (EIA/IC/INFO/18); Czechia, the Dukovany nuclear power plant (EIA/IC/INFO/19); the Netherlands, the Borssele nuclear power plant (EIA/IC/INFO/15); and Ukraine, the Khmelnitsky, South Ukrainian, and Zoporizhia nuclear power plants and power units 3 and 4 at the Rivne nuclear power plant (EIA/IC/INFO/20)

[4] Ibid., para. 14.

[5] In accordance with the Committee's operating rule 13, the Committee would revise its findings and recommendations related to its initiative concerning the United Kingdom of Great Britain and Northern Ireland and finalize the revision of draft decision IS/1h at its next session in September 2018, taking into account comments or representations to be provided by the United Kingdom in

should be provided to the secretariat for its further processing by the beginning of November 2018.

B. Follow-up to decision VI/2

8. Discussions on the follow-up to decision VI/2 of the Meeting of the Parties to the Convention on the review of compliance with the Convention (see ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1) were not open to observers, in accordance with rule 17, paragraph 1, of the Committee's operating rules.[6] The Committee members nominated by Azerbaijan, Belarus, Lithuania and Ukraine were absent during the Committee's consideration of matters where a direct or indirect conflict of interest could arise.

1. Armenia

(a) National legislation to implement the Convention (EIA/IC/CI/1)[7]

9. The Committee considered the follow-up by Armenia with decision VI/2 (paras. 29–35) and the revision of decision VII/2 (paras. 38–47) concerning compliance by Armenia with its obligations under the Convention with regard to its national legislation.

10. The Committee reviewed and revised the relevant paragraphs of draft decision VII/2, renamed as draft decision IS/1a, taking into account the reports provided by Armenia since the seventh session of the Meeting of the Parties on the steps it had taken to bring its national legislative framework into full compliance with the Convention and its Protocol. It noted in particular the information dated 31 January 2018 that a draft law amending the Law on Environmental Impact Assessment and Expertise of 2014 had been submitted for adoption in accordance with the national procedures of the Government of Armenia, after incorporation of all the comments from the international consultants to the secretariat.

11. The secretariat was requested to forward draft decision IS/1a as an informal document to the Working Group at its next meeting for information. The Committee also asked its Chair to write to Armenia:

(a) To inform it that, pending the adoption of the amended legislative framework, the Committee's position on the compliance by Armenia with the Convention with regard to its national legislation to implement remained unchanged;

(b) To invite the Government of Armenia to update the Committee by 30 July 2018 on progress in bringing its law fully into line with the Convention and the Protocol and in adopting secondary legislation.

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advance of that session. During the commenting period the findings and recommendations should not be made publicly available. Thus, unlike the other revised draft country-specific decisions, draft decision IS/1h would not be provided for information to the Working Group, but would be forwarded directly for the consideration of the Meeting of the Parties at its intermediary session.

[6] The Committee's operating rules were adopted by decision IV/2, annex IV (see ECE/MP.EIA/10) and then later amended by decisions V/4 (see ECE/MP.EIA/15) and VI/2 (see ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1).

[7] Committee initiatives are designated by a symbol EIA/IC/CI/[number]. Information on these compliance cases is available from http://www.unece.org/environmental-policy/conventions/environmental-assessment/areas-of-work/review-of-compliance/committee-initiative.html.

12. Before transmitting draft decision IS/1a to the Meeting of the Parties at its intermediary session, the Committee agreed to review and, as needed, revise the draft at its forty-second session, taking into account the progress by Armenia.

13. As relevant, the curator for the case was invited to prepare by 20 August 2018 an analysis of any new information from Armenia and, on that basis, to revise draft decision IS/1a for the Committee's consideration at its forty-second session in September.

(b) Planned construction of a nuclear power station in Metsamor (EIA/IC/S/3)[8]

14. The Committee considered the follow-up by Armenia with decision VI/2 (paras. 45–46), reviewed the text of draft decision VII/2 (paras. 45–47) and agreed on the text of the draft decision IS/1b on compliance by Armenia with its obligations under the Convention with regard to the nuclear power plant in Metsamor. It made minor editorial changes to substantive paragraph 2 of the draft decision, further to its decision at its thirty-ninth session (see ECE/MP.EIA/IC/2017/4, para. 31). The Committee requested the secretariat to forward draft decision IS/1b as an informal document to the Working Group at its next meeting for information. In the absence of a subsequent need for the Committee to review the draft in September 2018 based on possible comments or new information, the text would be submitted thereafter to the Meeting of the Parties for consideration at its intermediary session.

2. Azerbaijan (EIA/IC/CI/2)

15. The Committee continued its consideration of the follow-up by Azerbaijan with decision VI/2 (paras. 38–44) and its revision of draft decision VII/2 (paras. 48–53) regarding compliance by Azerbaijan with its obligations under the Convention in relation to its national legislation. Before leaving the room, the member nominated by Azerbaijan informed the Committee that the draft law on environmental impact assessment had been submitted by the cabinet of ministers to the national parliament in early March 2018.

16. The Committee recalled that Azerbaijan had not been able to participate at the hearing scheduled to take place during the Committee's fortieth session (Geneva, 5–7 December 2017) and had requested its postponement. Owing to the Committee's full agenda at its forty-second session, the Committee agreed to consider the possible rescheduling of the hearing of Azerbaijan only after the intermediary session of the Meeting of the Parties.

17. The Committee then noted the information provided by Azerbaijan dated 2 February 2018 that its draft law on environmental impact assessment had been revised and further elaborated by the cabinet of ministers and that the final English version of the draft law would be provided to the Committee once submitted to the national parliament. The Committee reviewed and agreed on the text of draft decision IS/1c on compliance of Azerbaijan with its obligations under the Convention with regard to its national legislation after the introduction of only minor editorial changes.

18. The secretariat was requested to forward draft decision IS/1c as an informal document to the Working Group at its next meeting for information. The Committee also asked its Chair to write to the Government of Azerbaijan to inform it that the Committee's position on compliance by Azerbaijan with the Convention with regard to its national legislation remained unchanged. In his letter, the Chair should also invite Azerbaijan to

[8] Submissions by Parties concerning other Parties are designated by a symbol EIA/IC/S/[number]. Information on these compliance cases is available from http://www.unece.org/env/eia/implementation/implementation_committee_matters.html.

update the Committee without delay on any progress in bringing its law fully into line with the Convention and the Protocol prior to the Committee's forty-second session.

19. As needed, the Committee also agreed to further review and revise the text of draft decision IS/1c at its forty-second session based on possible additional information from Azerbaijan. It invited the curator for the case to prepare by 20 August 2018 an analysis of any additional information provided for the Committee's consideration in advance of its forty-second session in September, as relevant.

3. Ukraine

(a) Rivne nuclear power plant (EIA/IC/CI/4)

20. Further to the discussions at its fortieth session, the Committee continued its consideration of the follow-up by Ukraine with decision VI/2 (paras. 68–71) and its revision of draft decision VII/2 (paras. 29–37) concerning compliance by Ukraine with its obligations under the Convention in relation to the lifetime extension of the Rivne nuclear power plant. It noted the information received from Ukraine and Austria dated 30 January and 15 February 2018, respectively.

21. The Committee welcomed the information from Ukraine that it had initiated the transboundary environmental impact assessment procedure by notifying Austria, Belarus, Hungary, Poland, the Republic of Moldova and Slovakia about the planned activity at the Rivne nuclear power plant.

22. The Committee noted that on 15 February 2018 Austria had indicated to Ukraine its wish to participate in the transboundary procedure and had requested Ukraine to expand the scope of the environmental impact assessment to also cover in sufficient detail the extent to which Austria could be affected by severe accidents.

23. The Committee further noted a lack of clarity about the proposed activity referred to in the notification and that the notification had not included a suggestion for a time frame within which the environmental impact assessment procedure for the activity was to be carried out. The Committee was of a view that such lack of clarity with regard to the proposed activity and the time frames for carrying out the environmental impact assessment procedure might cause difficulties for the potentially affected Parties with regard to planning their involvement and efficiently participating in the transboundary procedure.

24. The Committee asked its Chair to write to the Government of Ukraine encouraging it to carry out the subsequent steps of the transboundary environmental impact assessment procedure on the lifetime extension of reactors 1 and 2 of the Rivne nuclear power plant (see subparas. (b)–(d) below) without delay. In the letter, Ukraine should be requested to:

(a) Provide clarifications to the Committee and the potentially affected Parties about the nature of the proposed activity indicating also the time frame for the proposed activity (e.g., the start and duration of construction, current operation and lifetime extension);

(b) Carry out consultations with the potentially affected Parties that had positively responded to the notification for the purpose of planning for the next steps of the transboundary environmental impact assessment procedure, including:

(i) Provision of the environmental impact assessment documentation;

(ii) Definition of the timing, format and number of consultations under article 5 of the Convention;

(iii) Definition of the timing and forms of public participation to be carried out further to article 3, paragraph 8, and article 4, paragraph 2, of the Convention;

(iv) Clarification of the time frame for taking the revised final decision with regard to the activity and for providing that final decision to the affected Parties further to article 6, paragraph 2, of the Convention;

(c) Prepare the environmental impact assessment documentation, taking into account the comments on the scope of the assessment from the potentially affected Parties that had positively responded to the notification;

(d) Revise the final decision on the lifetime extension of reactors 1 and 2 of the Rivne nuclear power plant, ensuring that the comments received further to the transboundary consultations based on the environmental impact assessment documentation and public participation were taken into account in the revised final decision further to article 6 of the Convention.

25. In his letter, the Chair should request Ukraine to report to the Committee by 30 July 2018 on the progress made with regard to:

(a) The transboundary procedure with respect to the lifetime extension of reactors 1 and 2 of the Rivne nuclear power plant;

(b) The adoption of the secondary legislation with the purpose to establish proper legislative and administrative frameworks as referred to in paragraph 69 of decision VI/2.

26. Ukraine should also be invited to provide the Committee, as soon as possible but by no later than 30 July 2018, with an English translation of the secondary legislation that had been adopted since the entry into force of the law on environmental impact assessment in December 2017.

27. The Committee also requested the Chair to write to the Governments of Belarus, Hungary, Poland, the Republic of Moldova and Slovakia requesting them to provide by 15 May 2018 copies of their responses to the notification by Ukraine together with any other relevant information.

28. The Committee reviewed and agreed on the text of revised draft decision IS/1g on compliance of Ukraine with its obligations under the Convention with regard to the lifetime extension of the Rivne nuclear power plant. It requested the secretariat to forward the draft decision as an informal document to the Working Group at its next meeting for information.

29. As necessary, the Committee agreed to review and revise draft decision IS/1g again at its next session based on the progress to be made by Ukraine in bringing the project into full compliance with the Convention and other information to be received by the Committee in advance of that session. The Committee requested the curator for the case to prepare by 20 August 2018 an analysis of any new information and, as needed, propose amendments to draft decision IS/1g for its consideration at its forty-second session.

(b) Bystroe Canal Project (EIA/IC/S/1)

30. Further to the discussions at its fortieth session, the Committee continued its consideration of the follow-up by Ukraine on decision VI/2 (paras. 15–28) and the review of draft decision VII/2 (paras. 13–28) in relation to its compliance with the Convention regarding the Danube-Black Sea Deep-Water Navigation Canal in the Ukrainian Sector of the Danube Delta (Bystroe Canal Project). Based on the analysis by the curator for the case of the information from Romania dated 13 February 2018 and from Ukraine dated 12 and 16 February 2018, the Committee again noted that Ukraine had made only limited progress in bringing the project into compliance with the Convention, as required by the Meeting of the Parties to the Convention since 2008 in decisions IV/2 (paras. 12–14), V/4 (para. 24) and VI/2 (paras. 24–25).

31. The Committee appreciated that, taking into account the Committee's proposals at its fortieth session (ECE/MP.EIA/IC/2017/6, paras. 21–22), Ukraine had prepared a road map with concrete steps to bring the Bystroe Canal Project into full compliance with the Convention and had reported on the results of monitoring and post-project analysis and the preparation of a bilateral agreement with Romania.

32. During the session, the Committee held informal consultations with Ukraine on its progress in adopting secondary legislation to ensure full compliance with the Convention and on the draft road map to bring the project into full compliance with the Convention. The Committee welcomed the delegation of Ukraine, noting the informal character of the discussions, which did not constitute a formal hearing on the matter according to paragraph 9 of the Committee's structure and functions and operating rule 11.

33. The Committee noted that, since its last session, to implement its legislation on environmental impact assessment that had entered into force in December 2018, Ukraine had adopted three pieces of secondary legislation with a further two pieces waiting for adoption. According to the Ukrainian delegation, the Law on Environmental Impact Assessment together with all the five secondary acts would ensure the full compliance of Ukrainian national legislation with the Convention.

34. The Committee welcomed the genuine wish of the Ukrainian Government to bring the project into full compliance with the Convention as outlined in the road map. It noted with regard to phases I and II of the project that Ukraine intended among other steps to stop works, repeal the final decision, assess damage to the environment and develop a plan for compensatory and mitigation measures. It also noted that Ukraine intended to launch a new Bystroe Route project and to conduct the transboundary environmental impact assessment procedure in accordance with the Convention. After the discussion with the Ukrainian delegation and the clarifications obtained, the Committee concluded that although the list of the declared steps presented in the road map was not exhaustive, the road map represented a good basis and a way forward for bringing the project into full compliance with the Convention. The Committee invited the Ukrainian delegation to consult Romania on the road map. With reference to its previous opinion (ECE/MP.EIA/IC/2016/4, para. 13), the Committee reiterated that the continuation of the dredging activities by the Government of Ukraine would constitute a further breach of its obligations under the Convention.

35. The Committee requested its Chair to write to the Government of Ukraine, informing it that the road map provided a good basis for bringing the project into full compliance with the Convention, although the list of the declared steps presented in the road map was not exhaustive, and inviting it to:

(a) Implement the road map without delay;

(b) Transmit the road map to Romania and to conduct consultations on its implementation;

(c) Provide the Committee with the final English version of the Law on Environmental Impact Assessment and the English translations of the secondary pieces of legislation, as soon as they were available;

(d) Report to the Committee by 30 July 2018 on the progress achieved, substantiating the report with the relevant confirming documents.

36. In its letter the Chair should also invite Ukraine:

(a) To continue reporting to the Committee on the monitoring programme for the Bystroe Canal Project on an annual basis;

(b) To report on further developments with regard to the preparation of the bilateral draft agreement between Ukraine and Romania further to paragraph 27 of draft decision VII/2.

37. The Chair was also asked to write to Romania to inform it about the outcomes of the Committees deliberations at the present session and to request it to provide any relevant information on the matter by 30 July 2018.

38. Taking into account the outcomes of the informal consultations with Ukraine, the Committee then revised and agreed on the text of draft decision IS/1f concerning compliance by Ukraine with the Convention with regard to Bystroe Canal Project and requested the secretariat to transmit the draft decision as an informal document to the Working Group at its next meeting for information.

39. The Committee agreed to finalize draft decision IS/1f at its forty-second session further to the evidence-based information to be provided by Ukraine and Romania. The Committee requested the curator for the case to prepare by 20 August 2018 an analysis of the expected information and to develop, as needed, further suggestions for revising draft decision IS/1f for the Committee's consideration at its forty-second session.

4. Belarus (EIA/IC/S/4)

40. Under the chairmanship of its first Vice-Chair, the Committee continued its consideration of the follow-up by Belarus with decision VI/2 (paras. 48–64) and the revision of decision VII/2 (paras. 54–65) regarding compliance by Belarus with the Convention in relation to the Ostrovets nuclear power plant.

41. The Committee considered the analysis by the co-curators for the case of the annual reports received from Belarus and Lithuania on 11 January and 3 January 2018, respectively, and the information received from Belarus dated 26 February 2018, from the International Atomic Energy Agency dated 27 February 2018 and from Lithuania dated 28 February 2018.

42. The Committee noted the slow progress in concluding the bilateral agreement for the implementation of the Convention, in accordance with article 8 of the Convention, since March 2017 and the overall lack of progress in establishing a permanent joint body on the post-project analysis according to article 7.

43. The Committee also noted the summary of the information on the site selection provided by Belarus on 26 February 2018. It observed that the summary contained no new information.

44. The Committee also noted that, in its responses to the Committee's questions, the International Atomic Energy Agency had provided references to its relevant safety standards without elaborating how those standards had been applied in the case of the Ostrovets nuclear power plant. The Committee regretted that its questions on technical and scientific issues that were meant to help clarify whether the environmental impact assessment documentation constituted a sufficient substantive basis for Belarus to take its final decision to proceed with the implementation of the activity remained unanswered.

45. Having exhausted all the avenues for receiving external expert advice and considering the unprecedented circumstances related to the compliance matter, the Committee decided exceptionally to examine the documentation prepared by Belarus under the environmental impact assessment procedure by itself and, as appropriate, to seek the services of scientific experts and other technical advice or consult other relevant sources in accordance with its structure and functions.[9] The Committee decided to use its electronic

[9] See ECE/MP.EIA/6, decision III/2, appendix, para. 7 (d).

decision-making procedure to agree by mid-April 2018 on the key elements to be considered during the examination of the environmental impact assessment documentation, further to the technical and scientific questions that the Committee had previously identified, in order to conclude its deliberations on the matter. It invited the Committee members to complete their evaluation of the environmental impact assessment documentation by 30 June 2018. In addition, the Committee agreed to invite Belarus to provide answers to the Committee's scientific and technical questions and that, for the sake of transparency, Lithuania should also be invited to provide its views on the matter. The Committee decided to consider the results of the examination at its next session based on the consolidated report to be prepared by the co-curators by 15 August 2018.

46. The Committee then agreed revised draft decision IS/1d, taking into account the information provided by Belarus and Lithuania since the seventh session of the Meeting of the Parties. It requested the secretariat to forward the revised draft decision as an informal document to the Working Group at its next meeting for information.

47. Finally, further to the request reiterated by Belarus that all correspondence on the ongoing deliberations of the compliance matter regarding the Ostrovets nuclear power plant be made promptly available to the two Parties concerned, the Committee decided that that should be done for all the related future correspondence from Belarus and Lithuania to the Committee, provided that both Parties agreed. The Committee instructed the secretariat:

(a) To write to Lithuania asking for its authorization to make its annual progress report of 2017 available to Belarus and also for all further correspondence from Lithuania to the Committee to be automatically forwarded to Belarus, unless confidentiality was explicitly requested;

(b) To write to Belarus asking it to authorize the Committee to share with Lithuania its communications addressed to the Committee since the seventh session of the Meeting of the Parties, as well as all its future correspondence, unless confidentiality was specifically requested.

48. Regarding correspondence on the compliance matter addressed by a third party to the Committee through the secretariat, the Committee agreed that the secretariat should ask for an authorization from the correspondent before forwarding the correspondence to both Parties.

C. Committee initiatives

49. Discussions on Committee initiatives were not open to observers, in accordance with rule 17 of the operating rules.

1. Serbia (EIA/IC/CI/6)

50. The considered its initiative and reviewed draft decision VII/2 (paras. 66–68) concerning compliance by Serbia with its obligations under the Convention with regard to the Kostolac lignite power plant. It agreed that the operational paragraphs of the draft decision should remain unchanged. It requested the secretariat to forward draft decision IS/1e concerning Serbia as an informal document to the Working Group for information.

2. Committee initiative on the United Kingdom of Great Britain and Northern Ireland (EIA/IC/CI/5)

51. The Committee continued the consideration of its initiative and its review of draft decision VII/2 (paras. 69–72) concerning the United Kingdom regarding the planned

construction of the Hinkley Point C nuclear power plant. The Committee noted the information from the United Kingdom dated 4 January 2018 and 7 February 2018 about the outcomes of the consultations with the interested Parties that had already provided their responses. It also noted the information from Ireland of 12 February 2018 and from the Irish non-governmental organization, Environmental Pillar, of 12 and 20 February 2018 concerning the launch of the public consultations on the proposed activity in Ireland.

52. Further to the analysis of that information by the curator for the case, the Committee noted that it lacked clarity about whether the Parties that had found the notification necessary (i.e., Austria, Denmark, Germany, Ireland, Luxembourg, the Netherlands, and Norway) had been satisfied with the outcomes of the consultations with the United Kingdom regarding the activity or whether they would wish to further continue the discussions with the United Kingdom, in accordance with article 3, paragraph 7, of the Convention with a view to reaching an agreement on whether there was likely to be a significant transboundary impact with regard to the proposed activity.

53. The Committee agreed to ask its Chair to write to the countries concerned and invite them to inform the Committee by 30 April 2018 on:

(a) The results of the consultations with the United Kingdom since March 2017 with regard to the activity;

(b) Whether the countries considered that the activity at Hinkley Point C was likely to cause a significant adverse transboundary impact on their territories;

(c) The position of the country regarding the application of the Convention, including:

(i) Whether the discussion with the United Kingdom to reach an agreement on whether there was likely to be a significant adverse transboundary impact would be continued in accordance with the article 3, paragraph 7, of the Convention and whether in the absence of such agreement the matter would be submitted to an inquiry commission in accordance with the provisions of appendix IV to the Convention; or

(ii) Whether after consultations with the United Kingdom the application of the Convention was no longer considered necessary.

54. The Committee then agreed draft decision IS/1h regarding compliance by the United Kingdom. It agreed to further revise the draft decision and the Committee's detailed findings and recommendations from 2016 regarding the activity[10] on the basis of the clarifications to be provided by Austria, Denmark, Germany, Ireland, Luxembourg, the Netherlands and Norway.

55. Once finalized, the Chair was invited to send the revised findings and recommendations to the United Kingdom, inviting the Government of the United Kingdom to submit to the secretariat its comments or representations.

56. The Committee agreed to consider any comments or representations by the United Kingdom before finalizing the revised findings and recommendations and draft decision IS/1h at its forty-second session. It agreed to annex the revised findings and recommendations to the report on that session and to forward revised draft decision IS/1h to the Meeting of the Parties for consideration at its intermediary session. The Committee requested its Chair to inform the United Kingdom accordingly.

[10] ECE/MP.EIA/IC/2016/2, annex.

D. General part of draft decision VII/2

57. Owing to time constraints, the Committee agreed to revise the general part of draft decision VII/2, to be presented as draft decision IS/1, at its next session. It instructed the secretariat to forward to the Working Group for information an informal document in track changes containing the account of the deliberations on draft decision VII/2 during and in the margins of the seventh session of the Meeting of the Parties, and another informal document containing a template for draft decision IS/1 with the text of the general part of draft decision VII/2 before revisions.

III. Submissions

58. A representative of the secretariat noted that no submissions had been received since the Committee's previous session and that there were no earlier submissions still under consideration.

IV. Information gathering[11] and review of implementation

59. The Committee regretted that, owing to time limitations at its present session, it had once again to postpone its consideration of all information-gathering matters along with the general and specific compliance issues related to the reviews of implementation of the Convention and the Protocol to its subsequent sessions. The Committee asked its Chair to bring to the attention of the Working Group and the Meeting of the Parties that during the present intersessional period the mandated revision of draft decision VII/2 for the intermediary session of the Meeting of the Parties had represented an unprecedented additional workload for the Committee that had seriously limited the Committee's ability to address a constantly growing number of pending compliance issues, despite its efforts to extend its sessions by an additional day.

V. Other business

A. Availability of the Committee's correspondence and documents

60. The Committee considered the request of Belarus addressed to the secretariat on 14 December and 18 December 2017 to place the report on the Committee's ad hoc session in Minsk on the Convention website. The Committee noted that, according to paragraph 2 of its operating rule 16, meeting reports on the Committee's sessions were so far made publicly available on the Convention website as official documents. The Committee agreed to publish the report on its ad hoc session prepared as an informal document.[12] In general, the Committee noted that its operating rules, which guided the Committee in the execution of its functions, did not cover ad hoc sessions nor provide for the publication of informal documents. It agreed that at its subsequent sessions it would develop a general rule regarding ad hoc sessions and the availability of the reports of such meetings.

61. Further to its earlier decision on the request of Belarus for the Committee to make all the correspondence on the compliance matter regarding the Ostrovets nuclear power

[11] More information on information-gathering cases, including relevant documentation, is available from http://www.unece.org/environmental-policy/treaties/environmental-impact-assessment/areas-of-work/review-of-compliance/information-from-other-sources.html.

[12] See http://www.unece.org/index.php?id=48313.

plant available to Parties concerned (see paras. 47–48), the Committee further agreed that it would discuss and propose amendments to its structure and functions and operating rules regarding the sharing of information on its ongoing deliberations.

B. Preparations for the seventh meeting of the Working Group

62. The Committee Chair and the Secretary of the Convention briefed the Committee on the second meeting of the ad hoc working group established by the Meeting of the Parties at its seventh session to prepare, under the co-leadership of Germany and the United Kingdom, draft terms of reference for possible guidance on the application of the Convention to the lifetime extension of nuclear power plants (see ECE/MP.EIA/23/Add.1-ECE/MP.EIA/SEA/7/Add.1, decision VII/3-III/3, annex I, item I.9). The Chair noted that, recognizing the urgency for the Committee and the Parties to receive guidance on the application of the Convention to lifetime extensions of nuclear power plants, the Bureau at its meeting in February 2018 had unanimously agreed that the work should proceed without delay.

63. The Committee took note of the draft terms of reference for possible guidance on the applicability of the Convention to the lifetime extension of nuclear power plants proposed by the ad hoc working group, which had been submitted for the consideration of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment as an official document at its seventh meeting (ECE/MP.EIA/WG.2/2018/4). The Committee welcomed the steps proposed by the Bureau[13] to proceed with the work, emphasizing the urgent need to prepare guidance for its consideration of several outstanding and also a rapidly increasing number of new information-gathering cases on the lifetime extension of nuclear power plants.

VI. Presentation of the main decisions taken and closing of the session

64. Further to the Bureau's recommendations that savings from the Convention's trust fund be used to organize longer and more frequent meetings of the Implementation Committee to address its growing workload,[14] the Committee agreed to extend each of the meetings to be held in 2018 and 2019 by one additional day. It confirmed that it would next meet from 11 to 14 September 2018 and would hold its forty-third session from 4 to 6 December 2018 and its forty-fourth session from 19 to 23 March 2019. It requested the secretariat to arrange for a meeting room and, to the extent feasible, the interpretation for its extended meetings. All the meetings would be held in Geneva, unless the Committee decided otherwise.

65. The Committee adopted the draft report of its session, prepared with the support of the secretariat. The Chair then formally closed the forty-first session.

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[13] See informal notes of the Bureau meeting, para. 17.

[14] Ibid., para. 14.